

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARCUS A. ROSARIO
Plaintiff

v.

**BUCKS COUNTY CORRECTIONAL
FACILITY, *et al.*,**
Defendants

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CIVIL ACTION

NO. 24-CV-1774

O R D E R

AND NOW, this 16th day of May, 2024, in response to the Clerk of Court's May 10, 2024 Order, (ECF No. 3), Plaintiff Marcus A. Rosario filed a *motion seeking leave to proceed in forma pauperis*, (ECF No. 4), but failed to include a certified copy of his prisoner account statement for the six-month period prior to the filing of this civil action on April 24, 2024, as instructed and required by 28 U.S.C. § 1915(a)(2), accordingly, it is hereby **ORDERED** that:

1. Rosario's *motion to proceed in forma pauperis*, (ECF No. 4) is **DENIED, without prejudice**.

2. If Rosario seeks to proceed *in forma pauperis*, he shall, within thirty (30) days of the date of this Order, file a certified copy of his prisoner account statement showing all deposits, withdrawals, and a current balance, from any correctional facility in which he was confined during the time period from October 24, 2023, through April 24, 2024. Alternatively, he can proceed by submitting \$405 (comprising the \$350 filing fee and \$55 administrative fee) to the Clerk of Court within thirty (30) days of the date of this Order.¹

¹ If Rosario has difficulty obtaining a certified copy of his account statement, he may present this Order to the appropriate official at the Bucks County Correctional Facility. That official shall then promptly furnish Rosario with a certified copy of his prisoner account statement for the above time period.

3. If Rosario is ultimately granted leave to proceed *in forma pauperis*, he will be obligated to pay the \$350 filing fee in installments pursuant to 28 U.S.C. § 1915(b), even if this case is dismissed. He will not be entitled to the return of any payments made toward the fee.

4. If Rosario fails to comply with this Order, this case may be dismissed without further notice for failure to prosecute.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court